

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VEGA, JR.,

Plaintiff,

v.

M. SOTO, et al.,

Defendants.

Case No. 1:22-cv-00471-JLT-EPG (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff Francisco Vega, Jr., is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jeremy D. Peterson to conduct a settlement conference on March 2, 2023 at 1:30 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The Court will issue the necessary writ of habeas corpus ad testificandum in due course.

The Court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the court as far in advance of the settlement conference as possible.

1 In accordance with the above, IT IS HEREBY ORDERED that:

- 2 1. This case is set for a settlement conference before Magistrate Judge Jeremy D.
3 Peterson on March 2, 2023 at 1:30 p.m. The settlement conference will be conducted
4 by remote means, with all parties appearing by Zoom video conference.
- 5 2. Unless otherwise permitted in advance by the court, the following individuals must
6 attend the settlement conference: (1) all of the attorney(s) who will try the case; and
7 (2) individuals with full authority to negotiate and settle the case, on any terms.
- 8 3. No later than one week prior to the settlement conference, each party must submit to
9 Judge Peterson's chambers at jdporders@caed.uscourts.gov, or by mail at U.S. District
10 Court, 501 I Street, Sacramento, CA 95814, a confidential settlement conference
11 statement. These statements should neither be filed on the docket nor served on any
12 other party. The statements should be marked "CONFIDENTIAL" and should state
13 the date and time of the conference. The statements should not be lengthy but should
14 include:
- 15 a. A brief recitation of the facts;
 - 16 b. A discussion of the strengths and weaknesses of the case;
 - 17 c. An itemized estimate of the expected costs for further discovery, pretrial, and
18 trial matters, in specific dollar terms;
 - 19 d. Your best estimate of the probability that plaintiff will obtain a finding of
20 liability should this case proceed to trial, in percentage terms;
 - 21 e. Should this case proceed to trial and defendant(s) be found liable, please
22 provide the following, in specific dollar terms:
 - 23 i. A realistic high-end recovery estimate (i.e., realistic best- or worst-case
24 scenario);
 - 25 ii. A realistic low-end recovery estimate (i.e., realistic worst- or best-case
26 scenario); and
 - 27 iii. A best estimate of the most likely outcome;
 - 28 f. A history of settlement discussions, including:
 - i. A statement of your expectations for settlement discussions;

- ii. A listing of any past and present settlement offers from any party (including all terms); and
 - iii. Whether your party would consider making the opening offer or demand, and what that offer might be¹;
 - g. A list of the individuals who will be participating in the settlement conference on your party's behalf, including each participant's name and, if appropriate, title;
 - h. Plaintiff's anticipated release date;
 - i. An estimate of restitution and fees, including court fees and filing fees, owed by plaintiff; and
 - j. Identification of any related cases or of any other cases that the parties might wish to discuss at this settlement conference.
4. Judge Peterson or another representative from the court will be contacting the parties either by telephone or in person, approximately two weeks prior to the settlement conference, to ascertain each party's expectations of the settlement conference.
 5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at the California Substance Abuse Treatment Facility via facsimile at (559) 992-7101 or via email.

IT IS SO ORDERED.

Dated: **December 14, 2022**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

¹ Please note that Judge Peterson will consider this response, among others, in evaluating whether proceeding with a settlement conference appears worthwhile.